



# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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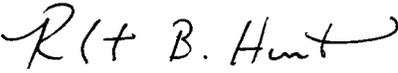
H.P. 1188

House of Representatives, April 24, 2025

**An Act to Clarify Tariff Rates for Nonresidential Customers  
Participating in Net Energy Billing with a Distributed Generation  
Resource**

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Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative WARREN of Scarborough.  
Cosponsored by Representative: FOSTER of Dexter.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 35-A MRSA §3209-B, sub-§5, ¶A**, as amended by PL 2021, c. 659, §19,  
3 is further amended to read:

4 A. The tariff rate for a customer participating in net energy billing with a distributed  
5 generation resource described in this paragraph must ~~equal the standard offer service~~  
6 ~~rate established under section 3212 that is applicable to the customer receiving the~~  
7 ~~credit plus 75% of the effective transmission and distribution rate for the rate class that~~  
8 ~~includes the smallest commercial customers of the investor-owned transmission and~~  
9 ~~distribution utility~~ be established and revised as needed by the commission to ensure  
10 that the tariff rate is just and reasonable to a developer of a distributed generation  
11 resource and a customer by providing that a developer of a distributed generation  
12 resource has a reasonable opportunity to earn a fair profit from the operation of the  
13 distributed generation resource; the tariff rate may not exceed 1.5 times the average of  
14 the tariff rates set by other states in the region for a similar distributed generation  
15 resource. The tariff rate under this paragraph applies to net energy billing with a  
16 distributed generation resource:

17 (1) With a nameplate capacity of greater than one megawatt if:

18 (a) The entity developing the distributed generation resource certifies by  
19 affidavit with accompanying documentation to the commission that the entity,  
20 before September 1, 2022, commenced on-site physical work of a significant  
21 nature on the distributed generation resource and the entity has made and will  
22 continue to make continuous on-site construction efforts to advance toward  
23 completion of the distributed generation resource. For the purpose of this  
24 paragraph, continuous on-site construction efforts include, but are not limited  
25 to, in the context of a solar facility, the continuous installation of racks or other  
26 structures to affix photovoltaic panels, collectors or solar cells to a site. The  
27 commission may share information contained in the affidavit submitted in  
28 accordance with this paragraph with a transmission and distribution utility, as  
29 necessary, to verify a distributed generation resource's compliance with this  
30 section. In administering this subsection, the commission may adopt rules  
31 including, but not limited to, requiring the entity that submits a sworn affidavit  
32 under this subparagraph to provide updated documentation to the commission  
33 after submission of the affidavit; or

34 (b) The distributed generation resource is collocated with a net energy billing  
35 customer that is or net energy billing customers that are subscribed to at least  
36 50% of the facility's output; or

37 (2) With a nameplate capacity of one megawatt or less.

38 **Sec. 2. 35-A MRSA §3209-B, sub-§5, ¶A-1**, as enacted by PL 2021, c. 659, §19,  
39 is amended to read:

40 A-1. The tariff rate for a customer participating in net energy billing under this section  
41 with a distributed generation resource not governed by paragraph A must: be  
42 established and revised as needed by the commission to ensure that the tariff rate is just  
43 and reasonable to a developer of a distributed generation resource and a customer by  
44 providing that a developer of a distributed generation resource has a reasonable

